
IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF UTAH

UNITED STATES OF AMERICA,

Plaintiff,

v.

PAUL KENNETH CROMAR, BARBARA
ANN CROMAR, UTAH HOUSING
FINANCE AGENCY, UNIVERSAL
CAMPUS FEDERAL CREDIT UNION,
STATE OF UTAH, TAX COMMISSION,
AND UTAH COUNTY, UTAH,

Defendants.

SEALED

**ORDER LIFTING STAY AND DENYING
EX PARTE APPLICATION FOR WRIT
OF ASSISTANCE**

Case No. 2:17-cv-01223-RJS

Chief Judge Robert J. Shelby

On May 29, 2020, non-party Copper Birch Properties, LLC filed an Ex Parte Application for Writ of Assistance (Application) pursuant to Rule 70 of the Federal Rules of Civil Procedure.¹ Four days later, the United States of America filed a Motion to Stay Action on Requested Writ of Assistance And to Seal Document No. 122.² The court granted the Motion to Stay, staying a decision on the Application and sealing related filings.³ Copper Birch has now filed a Motion for Leave to File Sealed Document⁴ and Opposition to Motion to Stay Action on Requested Writ of Assistance.⁵ Having considered the Application, and for good cause appearing, the court now LIFTS THE STAY and DENIES the Application because Copper Birch is not a party to this action

¹ Dkt. 122 (SEALED).

² Dkt. 124-1 (SEALED).

³ Dkt. 125.

⁴ Dkt. 126 (SEALED).

⁵ Dkt. 126-1 (SEALED).

and has not moved to intervene.⁶ The court will not entertain a non-party's application and therefore DENIES Copper Birch's Application.⁷

SO ORDERED this 26th day of June 2020.

BY THE COURT:

A handwritten signature in black ink, appearing to read 'R. J. Shelby', is written over a horizontal line.

ROBERT J. SHELBY
United States Chief District Judge

⁶ For the parties' benefit, the court notes that it doubts the applicability of Rule 70 in this context, where Copper Birch was not the party who obtained a judgment or an order against the Cromars. The court also doubts its jurisdiction over a trespass case that is a step removed from a foreclosure justified by the Cromar's failure to pay federal taxes. Assuming Copper Birch moves to intervene and is granted intervention, these are issues it will need to address.

⁷ Dkt. 122 (SEALED).

United States District Court
for the
District of Utah
June 29, 2020

*****MAILING CERTIFICATE OF THE CLERK*****

RE: USA v. Cromar et al
2:17-cv-01223-RJS

Andrew V. Collins
MITCHELL BARLOW & MANSFIELD PC
9 EXCHANGE PL STE 600
SALT LAKE CITY, UT 84111

Nathan S. Dorius
MITCHELL BARLOW & MANSFIELD PC
9 EXCHANGE PL STE 600
SALT LAKE CITY, UT 84111

John K. Mangum
US ATTORNEY'S OFFICE
111 S MAIN ST STE 1800
SALT LAKE CITY, UT 84111-2176

/s/ Deborah Aston

Deborah Aston